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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,040

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Daiji Ido

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EXAMINER

MAIS, MARK A

ART UNIT

PAPER NUMBER

2467

MAIL DATE

DELIVERY MODE

11/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,040	<b>Applicant(s)</b> IDO ET AL.	
	<b>Examiner</b> MARK A. MAIS	<b>Art Unit</b> 2467	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7-14 and 19-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-14, 19-26, 28-30, 32 and 33 is/are allowed.
- 6) ☒ Claim(s) 27 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 27 and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahisa et al. (USP 5,812,937) .

3. With regard to claim 27, Takahisa et al. (USP 5,812,937) discloses a data transmission method [**Broadcast system, Abstract**] comprising:

transmitting static media data [**Fig. 7, data packet 700 for providing screen text, col. 9, lines 62-64**]; and

transmitting data indicating a playback time of next static media data [**Fig. 7, screen address 720 identifies a particular screen to be displayed, col. 9, lines 55-60; e.g., screen text**

Art Unit: 2467

is overlaid onto that particular screen; *See Also* col. 5, lines 51-58, system controller provides (transmits) timing and control (playback times) as well as providing data (next screen text) insertion into screen storage database; e.g., Fig. 3 (col. 7, lines 43-44) is replaced by Fig. 4 (col. 8, lines 19-22)] to be played after the static media data [Fig. 7, data packet 700 for providing screen text, col. 9, lines 62-64], together with the static media data.

4. With regard to claim 31, Takahisa et al. (USP 5,812,937) discloses a data transmission method [**Broadcast system, Abstract**] comprising:

transmitting static media data [Fig. 7, data packet 700 for providing screen text, col. 9, lines 62-64]; and

transmitting data indicating a playback time of next static media data [Fig. 7, screen address 720 identifies a particular screen to be displayed, col. 9, lines 55-60; e.g., screen text is overlaid onto that particular screen; *See Also* col. 5, lines 51-58, system controller provides (transmits) timing and control (playback times) as well as providing data (next screen text) insertion into screen storage database; e.g., Fig. 3 (col. 7, lines 43-44) is replaced by Fig. 4 (col. 8, lines 19-22)] to be played after the static media data [Fig. 7, data packet 700 for providing screen text, col. 9, lines 62-64] and information indicating the number of characters included in the next static media data [text body segment 750 contains text for display, col. 10, lines 11-13; the packet header indicates the length of text body segment 750 (i.e., number of characters), col. 10, lines 13-15] , together with the static media data.

***Response to Arguments***

5. Applicant's arguments and claim amendments, see Amendment, filed July 28, 2009, with respect to the rejections of claims 27 and 31 under 35 USC 101 and 35 USC 112, paragraph 2, have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Takahisa et al. (USP 5,812,937).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) Takahisa (USP 5,564,073), Broadcast system with associated data capabilities.

(b) Kuboji et al. (USP 5,913,009), Character display control apparatus.

(c) Molaro et al. (USP 7,106,381), Position and time sensitive closed captioning.

(d) Lee (US Patent Publication 2003/0190148), Displaying multi-text in playback of an optical disc.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARK A. MAIS whose telephone number is (571)272-3138. The examiner can normally be reached on 5am-4pm.

Art Unit: 2467

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571-272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

November 18, 2009

/MARK A. MAIS/

Examiner, Art Unit 2467

/Pankaj Kumar/

Supervisory Patent Examiner, Art Unit 2467